

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

Case No. 22-cr-20188

vs.

HON. MATTHEW F. LEITMAN

MICHAEL ANGELO, et al.,

Defendants.

_____ /

MOTION FOR EXTENSION OF TIME TO FILE MOTION TO DISMISS

Defendant MICHAEL ANGELO, by and through his undersigned counsel, hereby moves the Court for a 14-day extension of the time in which he may file his motion to dismiss the Superseding Indictment in this case. The current deadline is August 30, 2024. For all of the reasons below, Michael Angelo respectfully requests a 14-day extension of the time in which he may file his motion to dismiss, extending the deadline from August 30, 2024 to September 13, 2024.

Undersigned counsel states that the following recent events have occurred that necessitate this two-week extension.

1. On May 15, 2024, the Court held a hearing on defendants Cory Mann

and Rachel Locricchio's motions to dismiss the indictment in the related federal case of *United States v. John Angelo, et al.*, Case No. 20-20599. At the end of the hearing, the Court made factual findings that government counsel misled the grand jury and that the government's case agent lied to that same grand jury. (Case No. 20-20599; ECF No. 608).

2. In June 2024, and in light of the Court's findings, undersigned counsel contacted the government and requested disclosure of all grand jury transcripts for the two grand juries that indicted Michael Angelo. Government counsel agreed to provide all of the transcripts (including all statements made by government counsel to the two grand juries). On June 20, 2024, the parties submitted a stipulation and proposed order to the Court requiring the same, all to be provided within 30 days (by July 21, 2024). The Court signed this stipulated order.

3. By the July 21, 2024 deadline, government counsel provided some *but not all* of the communications that were made by government counsel to the grand jury that first indicted Michael Angelo. Undersigned counsel notified the government that it was not in full compliance with the stipulated order due to the missing grand jury material. Specifically, the government failed to produce certain of the government's communications with the grand jury that returned the initial indictment on April 6, 2022.

4. On August 14, 2024, the government provided additional grand jury material, including what government counsel stated to the grand jury on April 6, 2022. The materials provided contain information that will be a part of Michael Angelo's motion to dismiss the Superseding Indictment against him.

5. On August 22, 2024, the government informed undersigned counsel that it was dismissing the tax evasion counts charged in counts 10 and 11 of the Superseding Indictment because its financial expert could not determine any tax due in owing for the charged years 2014 and 2015. While Mr. Angelo appreciates the government's concession that it cannot prove a tax due and owing and dismissal of these counts, the reason for the dismissal is extremely troubling. That is because the question of whether or not the government had the evidence to prove a tax due and owing is critical information that any federal prosecutor would determine *before* indicting a defendant with tax evasion. This is made more troubling by a developing pattern of the government dismissing counts after-the-fact when it realizes it cannot prove the charges it convinced the grand jury to indict.

6. On August 23, 2024, after speaking with counsel for co-defendant Hassan Fayad, undersigned counsel learned new information providing reason to believe that government counsel misled the grand jury. This alleged misleading of the grand jury by government counsel involved the way in which co-defendant Fayad learned

of another similarly named individual (victim Fayad) who banked at the same bank where defendant Fayad's mother-in-law worked. Equally troubling, undesigned counsel further learned that government counsel may have made a misleading statement to this Court about the issue during the trial of defendant Fayad.

7. On August 23, 2024, undersigned counsel was provided a draft motion to dismiss written by defendant Fayad's counsel that is based in part on the alleged misconduct by government counsel regarding the Aggravated Identity Theft charge. I was informed that motion will be filed with the Court under seal.

8. Finally, in the recent grand jury materials produced by the government, it appears that there may have been additional misleading of the grand jury by the government with respect to payments made by Fayad and others to pay for television advertisements, which the government contends without any evidence was a way for Michael Angelo to hide income.

With the late disclosure of grand jury material, the surprising dismissal of the tax evasion charges (and the problematic reason therefore), the apparent misconduct by government counsel related to Fayad and his fraud charge, and the potential misleading of the grand jury with respect to defendant Angelo, it is necessary for an extension of 14 days. Undersigned counsel expects to file a broader motion to dismiss the Superseding Indictment due to the combination of all of the government

misconduct in the investigation and prosecution of this case and the sister case involving John Angelo and others.

On August 23, 2024, undersigned counsel contacted government counsel, who refused to agree to the requested two-week extension.

Michael Angelo respectfully asks this Court to grant his motion so that his counsel has the time to properly research and draft his motion to dismiss. Respectfully, granting this motion is in the interest of protecting the rights of defendant Angelo and his co-defendants, as well as the integrity of the federal criminal justice process in our district.

Respectfully submitted,

/s/ R. Michael Bullotta

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Dated: August 24, 2024

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2024, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send a copy of such filing to all the parties in this matter.

/s/ R. Michael Bullotta

R. MICHAEL BULLOTTA
Counsel for Michael Angelo

Dated: August 24, 2024